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**M. S. Tuckman**  
*Executive Vice President  
Nuclear Generation*

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**Duke Power**  
526 South Church St. EC07H  
Charlotte, NC 28202  
P. O. Box 1006 EC07H  
Charlotte, NC 28201-1006  
(704) 382-2200 OFFICE  
(704) 382-4360 FAX

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PROPOSED RULE PR 50  
(66 FR 40626)

Ms. Annette L. Vietti-Cook, Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Attn: Rulemaking and Adjudications Staff

Subject: Comments on Proposed Amendment to 10CFR50.55(a)  
Industry Codes and Standards  
66FR40626, dated August 3, 2001

Duke Energy offers the attached comments relative to the solicitation for public comments regarding the proposed amendment to 10CFR50.55(a), "Industry Codes and Standards," as published in the August 3, 2001 Federal Register.

Please address any questions to Jim Effinger at (704) 382-8688.

Thank you for the opportunity to provide these comments.

Very truly yours,

*M. S. Tuckman*

M. S. Tuckman

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SECY-02

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bxc: L. E. Nicholson  
G. D. Gilbert  
C. J. Thomas  
M. R. Wilder  
E. B. Miller  
J. A. Effinger  
ELL

**Duke Comments on Proposed Changes to 10CFR50.55(a)**  
**Federal Register Notice, 66FR40626**

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| 1              | 40627<br>40640 | 2.2<br>10CFR50.55a(g)(6)(ii)(B)(1) | See Below. | 10CFR50.55a(g)(6)(ii)(B)(1) should be revised (see underlined) to read as follows:<br>"The start date of the first 120-month interval for inservice inspection of Class MC and Class CC components shall coincide with the start of the first containment inspection, <u>or shall be established such that the first 120-month inspection interval ends between September 9, 2006 and September 9, 2008.</u> " |

**Comment:**

Duke Energy Corporation chose to establish the start date for the 120-month interval for inservice inspection of Class MC and Class CC components at Oconee, McGuire, and Catawba Nuclear Stations to coincide with September 9, 1998 so that the end of the first inspection period would coincide with the end of the expedited examination period specified in 10CFR50.55a(g)(6)(ii)(B). Other licensees may have elected to establish their interval start date at a different date occurring during the Expedited Examination Period (between September 9, 1996 and September 9, 2001). Some licensees may have elected to establish their interval start date for Class MC and CC components to coincide with the start date for their inservice inspection interval for Class 1, 2, and 3 components. As a result, some clarification of the required start dates for the 120-month ISI interval may be warranted.

If the proposed revision to 10CFR50.55a(g)(6)(ii)(B)(1) is approved, this provision may have the following unintended consequence:

An Owner who established the start date for the first 120-month interval for inservice inspection of Class MC and Class CC components between September 9, 1996 and September 9, 2001 might now have to change the start date for that 120-month interval if containment examinations did not commence until some time after the start of this interval. For Oconee, McGuire, and Catawba Nuclear Stations, a number of initial containment examinations were scheduled to be performed during the first refueling outage after the interval start date. There is no technical reason why the start date a licensee selected for their inspection interval should now have to be revised, just because containment examinations did not commence on the first day of the inservice inspection interval selected by the licensee. Duke Energy Corporation believes that 10CFR50.55a(g)(6)(ii)(B)(1) could be revised as recommended above without causing undue burden on licensees, and would still clarify acceptable start dates for the 120-month inservice inspection intervals for Class MC and Class CC components. This change will also allow licensees with multiple plants and units to establish the same 120-month interval start date for all units, resulting in consistency between these units.

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| 2              | 40627<br>40640 | 2.2<br>10CFR50.55a(g)(6)(ii)(B)(3) | See Below. | 10CFR50.55a(g)(6)(ii)(B)(3) should be <u>added</u> to read as follows:<br><br><div style="margin-left: 40px;">(3) Concrete examinations required by Subsection IWL, Table IWL-2500-1, Category L-A shall comply with the schedule requirements of IWL-2410 after September 9, 2001. Alternatively, if concrete examinations were performed in accordance with Subsection IWL, Table IWL-2500-1, Category L-A between September 9, 1996 and September 9, 2001, the date that these concrete examinations were conducted may be used to determine the 5-year schedule for examinations after September 9, 2001 subject to the provisions of IWL-2410(c).</div> |

**Comment:**

Section 2.2, "Section XI", addresses the deletion of existing requirements found in 10 CFR 50.55a(g)(6)(ii)(B)(1) through (4).

10CFR50.55a(g)(6)(ii)(B)(2) in the existing regulation requires that "The date of the first examination of concrete must be used to determine the 5-year schedule for subsequent examinations subject to the provisions of IWL-2410(c)." This provision was added to the regulation when it was revised in 1999. After the NRC provided clarification on when concrete examinations could be performed during the expedited examination period, some licensees chose to perform initial concrete examinations separately from post-tensioning system examinations. Because 10CFR50.55a(g)(6)(ii)(B)(2) was changed in 1999, those licensees who performed these examinations separately may now be required to maintain these separate schedules for concrete and post-tensioning system examinations after the end of the expedited examination period expires on September 9, 2001. This would be the case if the 24-month examination window for concrete examinations does not overlap or coincide with the 24-month examination window for post-tensioning system examinations.

Provided that no longer than 5 years elapse between successive concrete examinations, it should be permissible for an Owner to schedule the next concrete examination (occurring after September 9, 2001) to coincide with the next scheduled post-tensioning system examinations. This may be desirable at Oconee Unit 2 because scaffolding is normally erected to perform both the concrete and post-tensioning system examinations, and maintaining separate examination schedules will require that this scaffolding be erected for each separate examination.

Because the clarification added in 1999, as addressed above, is proposed to be deleted from 10CFR50.55a(g)(6)(ii)(B)(2), it is unclear how the modified schedule requirement will be maintained. This may be acceptable if it is the intent of the NRC to allow Owners to reschedule concrete

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|                |      |           | <p>examinations in accordance with IWL after September 9, 2001. If this interpretation is correct, some licensees may decide to reschedule their concrete examinations to coincide with the next scheduled post-tensioning system examinations. The result would be that no more than 5 years would elapse between successive concrete examinations. If this interpretation is not correct, and the NRC believes that the provisions in the existing 10CFR50.55a(g)(6)(ii)(B)(2) will impact future scheduling of concrete examinations, then a change may be warranted to allow an adjustment to the schedule for concrete examinations performed after September 9, 2001. Duke Energy Corporation recommends that the new paragraph 10CFR50.55a(g)(6)(ii)(B)(3) listed above be added to help eliminate any confusion pertaining to modified examination schedules for containment concrete examinations.</p> |                   |

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| 3              | 40628<br>40638 | 2.2.1.3<br>10CFR50.55a(b)(2)(ix)(G) | See Below. | See Below.        |

**Comment:**

The effect of the proposed 10CFR50.55a(b)(2)(ix)(G) is that a VT-3 visual examination would now be required to be performed on 100% of containment metallic surfaces during each period. Prior to the 1998 Edition of the Code, a VT-3 visual examination was required to be performed on 100% of containment metallic surfaces once each interval. In addition, a general visual examination was required to be performed prior to each Type A test, and during each ISI Period (as required by 10CFR50.55a(b)(2)(ix)(E)). The proposed change significantly increases the burden on licensees and is more strict than those requirements currently imposed on licensees using the 1992 Edition with the 1992 Addenda through the 1995 Edition with the 1996 Addenda.

In order to minimize the undue burden on licensees caused by 10CFR50.55a(b)(2)(ix)(G), the NRC should consider whether the provisions of 10CFR50.55a(b)(2)(ix)(G) requiring licensees to perform a VT-3 visual examination instead of the "general visual" examination should apply only during the third Period of each ISI interval.

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| 4              | 40629<br>40639 | 2.2.2<br>10CFR50.55a(b)(2)(ix)(I)(1) | See Below. | 10CFR50.55a(b)(2)(ix)(I)(1) should be revised (see underlined) to read as follows:<br><br>"The general visual examination must include the examination of bolted connections that are disassembled at the time of a scheduled inspection, <u>unless the provisions of 10CFR50.55a(b)(2)(ix)(I)(4) are satisfied whenever a bolted connection is disassembled, prior to reassembly.</u> " |

**Comment:**

10CFR50.55a(b)(2)(ix)(I)(1) requires that "The general visual examination must include the examination of bolted connections that are disassembled at the time of a scheduled inspection". The term "at the time of a scheduled inspection" may be unclear. For some plants, the general visual examination may be performed over a period of days or weeks. It is possible that examination of a portion of the containment could be completed before a bolted connection is disassembled. In this case, it is unclear as to whether the examination personnel will have to re-examine that portion of the containment where a bolted connection is disassembled, even after the general visual examination of that portion of the containment has been completed, just to ensure that the disassembled connection is examined. Also, licensees could elect to postpone disassembly of bolted connections during the general visual examination to avoid having to specifically schedule the examination of bolted connections during the general visual examination. If it is acceptable to allow bolted connections to be disassembled and examined in accordance with the requirements of 10CFR50.55a(b)(2)(ix)(I)(4) when the general visual examination is not scheduled, it should be acceptable to allow station procedures to verify the acceptability of bolting materials any time a bolted connection is reassembled. The requirement of 10CFR50.55a(b)(2)(ix)(I)(1) to schedule general visual examinations of bolted connections will require coordination with maintenance planning, causing additional coordination and scheduling challenges. As long as the general visual examination looks at 100% of all bolted connections (assembled or disassembled), and maintenance procedures address inspection of bolting components when a bolted connection is disassembled, it should not be necessary to require that the general visual examination include "the examination of bolted connections that are disassembled at the time of a scheduled inspection".

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| 5              | 40629<br>40639 | 2.2.2<br>10CFR50.55a(b)(2)(ix)(I)(3) | See Below. | 10CFR50.55a(b)(2)(ix)(I)(3) should be revised (see underlined) to read as follows:<br>"Damaged bolted connections must be disassembled, and a detailed visual examination of the bolted connection components must be performed, <u>unless an Engineering Evaluation has been performed that demonstrates that the bolted connection meets the acceptance standards of IWE-3500 and 10CFR50.55a(b)(2)(ix)(H).</u> " |

**Comment:**

Duke Energy Corporation has two concerns with this proposed requirement, as detailed below.

First, it should be acceptable to perform an Engineering Evaluation of the degradation or damage. If the condition can be adequately addressed by the Engineering Evaluation, then it should not be necessary to require disassembly of the bolted connection. For many containment bolted connections, there is no internal degradation mechanism that might cause concern for inaccessible surfaces of the bolted connection. For these bolted connections, it may not be warranted to disassemble the connection if the degradation mechanism is caused by external environmental conditions, and the condition can be adequately addressed by an Engineering Evaluation, including Supplemental Examinations (if warranted).

Second, for some pressure-unseating bolted connections that are sealed using a dual gasket or dual o-ring configuration, disassembly of the bolted connection would result in a breach of the containment pressure boundary. If the examination that detected the degradation or damage was performed during plant operation, this would necessitate plant shutdown. This would be unnecessary if an Engineering Evaluation could assess the acceptability of the condition, as recommended in the previous comment. Of course, if the Engineering Evaluation was unable to verify the acceptability of the bolted connection, disassembly of the bolted connection and plant shutdown may be necessary.

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| 6              | 40629<br>40639 | 2.2.4 (third paragraph)<br>10CFR50.55a(b)(2)(xii)(B) | See Below. | Revise to allow use of Code Case N-522 without limitations. |

**Comment:**

The conceptual objective of Code Case N-522 is to reduce the burden on utilities to perform redundant testing. Without the use of Code Case N-522, piping that penetrates the containment (where the piping adjacent the containment isolation valves are outside the scope of Section XI) receives both Section XI pressure testing and Appendix J testing.

Section XI pressure testing is to verify leakage integrity of Class 1, 2, & 3 process piping systems. Section XI pressure testing is meant to identify service-related and age-related degradation in safety systems of nuclear power plants. The scope of Code Case N-522 is limited to piping that is a portion of a non-safety related system that penetrates the primary reactor containment where the process pipe is Code Class only at the penetration and is provided with isolation valves that are either locked closed during normal operation, capable of automatic closure, or capable of remote closure to support the containment safety function and these components perform no other safety function.

There is no substantiating argument that the process pipe within the scope of Code Case N-522 merits any safety significance at all. The only safety concern is the breaching of containment.

The purpose of Appendix J testing is to ensure containment integrity. The NRC made a comparison in rulemaking Section 2.2.6 that contrasted the differing objectives between the Construction Code and those of Section XI. Just the same, there are differing objectives between Section XI pressure testing and Appendix J testing. With the NRC opposition to the use of Appendix J testing as stated in Code Case N-522, the objectives of Section XI and those of Appendix J have become intertwined and ambiguous.

Since there is no safety concern of the process piping system within the scope of Code Case N-522, it is not prudent to mandate Section XI requirements on these components. It is more appropriate to allow Appendix J to administer any safety testing for the scope of Code Case N-522 components. If the NRC is concerned with the inadequate provisions in Appendix J to detect and locate through-wall leakage as they have stated in rulemaking Section 2.2.4; then, consideration should be given to revising the Appendix J test to accommodate their concerns.



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| 7   | 40631 | 2.2.10    | See Below. | Delete the proposed modification and implement the recommendations developed in NRC/industry underwater welding initiatives. |
| <p><b>Comment:</b></p> <p>The proposed rule requires a weld qualification for the underwater method using a mockup made from material with similar neutron fluence levels as the production weldment. This is impractical due to unavailability of materials with similar neutron fluence levels, personnel exposure, handling and disposal requirements.</p> <p>The Nuclear industry and the NRC are funding studies to develop underwater welding technique. The proposed rule is premature and should be delayed until such time as the studies are complete and the results incorporated into the proposed rules.</p> |       |           |            |  |

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| 8              | 40632<br>40633<br>40640 | 2.4 (second paragraph)<br><br>10CFR50.55a(b)(3)(vi) | See Below. | 10CFR50.55a(b)(3)(vi) should be revised to eliminate the proposed modification. |

**Comment:**

The proposed modification in 10 CFR 50.55a(b)(3)(vi) would require an exercise interval of 2 years for manual valves within the scope of the ASME OM Code in lieu of the exercise interval of 5 years specified by the ASME OM Code. Previously, the 1998 Edition of the ASME OM Code (and previous Code editions and addenda) specified an exercise interval of 3 months for manual valves within the scope of the Code (which was a recognized unnecessary burden on utilities). The 1999 Addenda to the ASME OM Code revised ISTC- 3540 to extend the exercise frequency for manual valves to 5 years, provided that adverse conditions do not require more frequent testing. The Code committee members discussed this issue at length and submitted the proposed change through all the voting entities of the committee (of which the NRC was part of). The ASME Code is a national consensus standard developed by subject matter technical experts with broad and varied interests, in which all interested parties (including the NRC and utilities) participate. To not comply with their recommendation for test methods and frequency, invalidates the consensus process and imposes undue burden on the utilities. Besides, the referenced operating experience does not reflect an adverse trend for the subject valve category.

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| 9              | 40633 | 3.        | The seventh paragraph of Section 3 (labeled <i>Paragraph (2)(viii)(F)</i> ) incorrectly refers to IWE-2310 (d). The correct reference should be IWL-2310 (d), as noted in the proposed rule on page 40638 of the Federal Register Notice. | Correct the paragraph reference as noted. |

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| 10             | 40635 | Paragraph (b)(3)(ii) | See Below. | Paragraph (b)(3)(ii) should be further revised to add the clarification (see underlined) provided in comment (below). |

**Comment:**

The proposed revision extends the modification to MOV stroke-time testing requirements to the 1997 Addenda, the 1998 Edition, the 1999 Addenda, and the 2000 Addenda of the ASME OM Code, reconciling those subsections of the ASME OM Code that were renumbered in the 1998 Edition. Licensees using this edition and these addenda would be required to establish a program to ensure that MOVs continue to be capable of performing their design basis safety functions (combining GL 96-05 and ASME OM Code, ISTC requirements). This action is precedent for the NRC eventually eliminating valve stroke time as a valid test method for AC MOVs.

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| 11             | 40635<br>N/A<br>N/A | 4.<br>10CFR50.55a(g)(4)(i)<br>10CFR50.55a(g)(4)(ii) | See Below. | <p>10CFR50.55a(g)(4)(i) should be revised (see underlined) to read as follows:</p> <p>(i) Inservice examinations of components and system pressure tests conducted during the initial 120-month inspection interval must comply with the requirements <u>of any</u> edition and addenda of the Code incorporated by reference in paragraph (b) of this section on the date 12 months prior to the date of issuance of the operating license, subject to the limitations and modifications listed in paragraph (b) of this section.</p> <p>10CFR50.55a(g)(4)(ii) should be revised (see underlined) to read as follows:</p> <p>(ii) Inservice examination of components and system pressure tests conducted during successive 120-month inspection intervals must comply with the requirements <u>of any</u> edition and addenda of the Code incorporated by reference in paragraph (b) of this section 12 months prior to the start of the 120-month inspection interval, subject to the limitations and modifications listed in paragraph (b) of this section.</p> |

**Comment:**

Duke Energy Corporation notes that the NRC has added a number of limitations and modifications to the proposed rule to address concerns related to requirements of the 1998 Edition through the 2000 Addenda of ASME Section XI, Subsections IWE and IWL. Given that there are fewer limitations and modifications placed on the use of earlier editions and addenda (1992 Edition with the 1992 Addenda and the 1995 Edition with the 1996 Addenda), it appears that the NRC has a greater concern with the use of the later Codes. However, the current requirement in 10CFR50.55a(g)(4)(i) and (ii) will continue to require licensees to update their inspection programs to the latest edition and addenda of the Code incorporated by reference in 10CFR50.55a(b). Therefore, when licensees are required to update their 120-month inservice inspection program, they will be required to use the 1998 Edition with the 2000 Addenda for Subsections IWE and IWL. In addition, many licensees may find that the using the later edition and addenda of the Code (with the specified limitations and modifications) will be more objectionable than using editions and addenda previously endorsed in 10CFR50.55a, potentially prompting requests for relief.

In the Federal Register Notice, the NRC indicates that "The Commission disapproved the elimination of the 120-month update requirement in an SRM dated April 13, 2000, because the ASME Codes are subject to continuing refinement and improvement and it would be inappropriate to freeze these still evolving requirements." Given the number of proposed limitations and modifications for use with the 1998 Edition with the 2000

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|                   |      |           | <p>Addenda of the ASME Code, Section XI, Subsections IWE and IWL, it does not appear that the NRC believes that these subsections of the Code are, in fact, improving. As such, the basis for not eliminating the 120-month update could be challenged.</p> <p>If the NRC continues to find that earlier editions and addenda of the Code are less objectionable than those more recently issued, then Duke Energy Corporation believes that 10CFR50.55a(g)(4)(i) and (ii) should be revised to allow the use of any editions and addenda of the Code addressed in 10CFR50.55a(b). If later editions and addenda of the Code are published that the NRC believes are improved and less objectionable, then it may be appropriate to eliminate reference to earlier endorsed editions and addenda of the Code in 10CFR50.55a.</p> <p>Duke Energy Corporation concurs that it may not be appropriate to "freeze" the referenced editions and addenda of the ASME Code in 10CFR50.55a. However, the suggested changes to 10CFR50.55a(g)(4)(i) and (ii) listed above may be beneficial and should be considered.</p> <p>These changes may allow licensees to avoid having to amend their inservice inspection programs to use later editions and addenda of the Code. However, unless the NRC takes exception to IWA-1400, licensees would still be required to submit their inservice inspection plans to the enforcement and regulatory authorities having jurisdiction at the plant site, and would have to amend their inservice inspection program when a 120-month interval expires and the edition and addenda of the Code currently used by the licensee is no longer endorsed in the regulation.</p> |                   |

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| 12             | N/A  | 10CFR50.55a(b)(2)(viii)(C), (D), (E)<br>10CFR50.55a(b)(2)(ix)(A) and (D)(1) | See Below. | <p>10CFR50.55a(b)(2)(viii)(C) should be revised (see underlined) to read as follows:</p> <p>(C) When the elongation corresponding to a specific load (adjusted for effective wires or strands) during retensioning of tendons differs by more than 10 percent from that recorded during the last measurement, an evaluation must be performed to determine whether the difference is related to wire failures or slip of wires in anchorage. A difference of more than 10 percent must be identified <u>and reported to the Nuclear Regulatory Commission within 90 calendar days following completion of each refueling outage.</u></p> <p>10CFR50.55a(b)(2)(viii)(D) should be revised (see underlined) to read as follows:</p> <p>(D) The licensee shall report the following conditions, if they occur, <u>to the Nuclear Regulatory Commission within 90 calendar days following completion of each refueling outage:</u></p> <p>(1) The sampled sheathing filler grease contains chemically combined water exceeding 10 percent by weight or the presence of free water;</p> <p>(2) The absolute difference between the amount removed and the amount replaced exceeds 10 percent of the tendon net duct volume;</p> <p>(3) Grease leakage is detected during general visual examination of the containment surface.</p> <p>10CFR50.55a(b)(2)(viii)(E) should be revised (see underlined) to read as follows:</p> |

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|                |      |           |         | <p>(E) For Class CC applications, the licensee shall evaluate the acceptability of inaccessible areas when conditions exist in accessible areas that could indicate the presence of or result in degradation to such inaccessible areas. For each inaccessible area identified, the licensee shall provide the following <u>in a report to the Nuclear Regulatory Commission within 90 calendar days following completion of each refueling outage</u>:</p> <ul style="list-style-type: none"> <li>(1) A description of the type and estimated extent of degradation, and the conditions that led to the degradation;</li> <li>(2) An evaluation of each area, and the result of the evaluation, and;</li> <li>(3) A description of necessary corrective actions.</li> </ul> <p>10CFR50.55a(b)(2)(ix)(A) should be revised (see underlined) to read as follows:</p> <p>(A) For Class MC applications, the licensee shall evaluate the acceptability of inaccessible areas when conditions exist in accessible areas that could indicate the presence of or result in degradation to such inaccessible areas. For each inaccessible area identified, the licensee shall provide the following <u>in a report to the Nuclear Regulatory Commission within 90 calendar days following completion of each refueling outage</u>:</p> <ul style="list-style-type: none"> <li>(1) A description of the type and estimated extent of degradation, and the conditions that led to the degradation;</li> <li>(2) An evaluation of each area, and the result of the evaluation, and;</li> <li>(3) A description of necessary corrective actions.</li> </ul> <p>10CFR50.55a(b)(2)(ix)(D)(1) should be revised (see underlined) to read as follows:</p> |

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|                |      |           |         | <p>(D) Section 50.55a(b)(2)(ix)(D) may be used as an alternative to the requirements of IWE-2430.</p> <p>(1) If the examinations reveal flaws or areas of degradation exceeding the acceptance standards of Table IWE-3410-1, an evaluation must be performed to determine whether additional component examinations are required. For each flaw or area of degradation identified which exceeds acceptance standards, the licensee shall provide the following <u>in a report to the Nuclear Regulatory Commission within 90 calendar days following completion of each refueling outage</u>:</p> <p>(i) A description of each flaw or area, including the extent of degradation, and the conditions that led to the degradation;</p> <p>(ii) The acceptability of each flaw or area, and the need for additional examinations to verify that similar degradation does not exist in similar components, and;</p> <p>(iii) A description of necessary corrective actions.</p> |

**Comment on Existing Requirements of 10CFR50.55a:**

The following comments pertain to existing requirements of 10CFR50.55a that are not affected by the proposed revision. However, Duke Energy Corporation believes that changes should be made to 10CFR50.55a in conjunction with the proposed rule change to clarify the following issues for Class MC and Class CC components.

10CFR50.55a(b)(2)(viii)(C), (D), (E), 10CFR50.55a(b)(2)(ix)(A) and (D)(1) require an Owner to provide specific information in the "ISI Summary Report required by IWA-6000". Duke Energy Corporation interprets these requirements to be applicable only when those conditions described in 10CFR50.55a(b)(2)(viii)(C), (D), (E), 10CFR50.55a(b)(2)(ix)(A) and (D)(1) occur, and believes that most licensees have a similar interpretation. Because IWA-6210(c) does not require that an Owner prepare an ISI Summary Report for Class MC and Class CC components, we believe that most licensees have interpreted 10CFR50.55a(b)(2)(viii)(C), (D), (E), 10CFR50.55a(b)(2)(ix)(A) and (D)(1) to require only that the specific information required by the regulation be submitted to the NRC along with the ISI Summary Report for Class 1 and 2 components, prepared in accordance with IWA-6210(c) and IWA-6230.



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|                   |      |           | <p>Duke Energy Corporation also believes that most licensees do not interpret these provisions of the regulation to override the ASME Code, and that an ISI Summary Report need not be prepared in accordance with IWA-6210(c) and IWA-6230 for Class MC and Class CC components. This would seem logical because the reporting requirements in 10CFR50.55a(b)(2)(viii)(C), (D), (E), 10CFR50.55a(b)(2)(ix)(A) and (D)(1) apply only under certain listed conditions. When such conditions do not apply, a licensee need not prepare an ISI Summary Report for Class MC and Class CC components.</p> <p>In addition to the above interpretation, it should be noted that the Form NIS-1 required by IWA-6210 (d) should not be required to be prepared for Class MC and Class CC components and need not be included in the ISI Summary Report. Please note that Interpretation #IN 01-017 was recently issued by ASME and indicates that Form NIS-1 is not required for Class MC or Class CC components. If it is the intent of the regulation that an ISI Summary Report be prepared for Class MC and Class CC components in accordance with IWA-6230, then it may also be necessary to add a modification to the regulation to take exception to IWA-6210 (d) to require the preparation of Form NIS-1 for Class MC and Class CC components.</p> <p>Duke Energy Corporation offers the following information to assist the NRC with resolving the above issue:</p> <ul style="list-style-type: none"> <li>• If the modifications listed in 10CFR50.55a(b)(2)(viii)(C), (D), (E), 10CFR50.55a(b)(2)(ix)(A) and (D)(1) had not been included in the regulation, it would be clear to licensees that there is no requirement to prepare or submit an ISI Summary Report for Class MC and Class CC components.</li> <li>• Because the ISI Summary Reporting requirements for Class MC and Class CC components specified in 10CFR50.55a(b)(2)(viii)(C), (D), (E), 10CFR50.55a(b)(2)(ix)(A) and (D)(1) apply only when the described conditions occur, it appears that the intent of the regulation is to supply only that information required and specifically addressed in 10CFR50.55a(b)(2)(viii)(C), (D), (E), 10CFR50.55a(b)(2)(ix)(A) and (D)(1). If this were not the case, the regulation would have taken exception to IWA-6210 and IWA-6230 to require the preparation and submittal of ISI Summary Reports following completion of all Class MC and Class CC examinations, and not just when certain conditions occur.</li> </ul> <p>Duke Energy Corporation believes that the suggested changes to 10CFR50.55a(b)(2)(viii)(C), (D), (E), 10CFR50.55a(b)(2)(ix)(A) and (D)(1) will provide the necessary clarification.</p> |                   |

**Duke Comments on Proposed Changes to 10CFR50.55(a)**  
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| 13             | N/A  | 10CFR50.55a(b)(2)(ix) | See Below. | <p>10CFR50.55a(b)(2)(ix) should be revised to read as follows:</p> <p style="padding-left: 40px;">"Examination of metal containments and the liners of concrete containments. Licensees applying Subsection IWE, 1992 Edition with the 1992 Addenda, or the 1995 Edition with the 1996 Addenda, shall satisfy the requirements of paragraphs (b)(2)(ix)(A) through (b)(2)(ix)(E), and (b)(2)(ix)(K) of this section. Licensees applying the 1998 Edition with the 1999 Addenda and 2000 Addenda shall only satisfy the requirements of paragraphs (b)(2)(ix)(A), (b)(2)(ix)(B), (b)(2)(ix)(F) through (b)(2)(ix)(K) of this section."</p> <p>10CFR50.55a(b)(2)(ix)(K) should be added and should read as follows:</p> <p style="padding-left: 40px;">(K) The leakage test deferral provisions of IWE-5222(c) shall be limited to welds connecting components NPS 1 (DN25) or smaller to pressure-retaining boundary penetrations.</p> |

**Comment on Existing Requirements of 10CFR50.55a (Potential conflict between IWE-5222(c) and requirements of 10CFR50, Appendix J, Option B.)**

IWE-5222 (1992 Edition with the 1992 Addenda through the 1998 Edition with the 2000 Addenda) allows a leakage test for certain minor repairs or modifications to the pressure retaining boundary to be deferred until the next scheduled leakage test in accordance with 10CFR50, Appendix J, provided nondestructive examination is performed in accordance with the approved repair program. One type of minor repair or modification for which this deferral is permitted is listed in IWE-5222(c) as follows:

- "welds attaching penetrations NPS 1 or smaller."

10CFR50, Appendix J, Option B, paragraph I, footnote 3 indicates that "Specific guidance concerning a performance-based leakage-test program, acceptable leakage-rate test methods, procedures, and analyses that may be used to implement these requirements and criteria are provided in Regulatory Guide 1.163, "Performance-Based Containment Leak-Test Program." Section C, "REGULATORY POSITION" of this regulatory guide,

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|                   |      |           | <p>states that NEI 94-01, Revision 0, dated July 26, 1995, "Industry Guideline for Implementing Performance-Based Option of 10 CFR 50 Appendix J," prepared by the Nuclear Energy Institute, provides methods acceptable to the NRC staff for complying with the provisions of Option B in Appendix J to 10 CFR Part 50, (subject to specific limitations not listed here). NEI 94-01, paragraph 9.2.4 addresses containment repairs and modifications, and specifies provisions for deferral of leakage tests following certain types of repairs or modifications to the pressure-retaining boundary of containments. One type of repair or modification for which this deferral is permitted listed is as follows:</p> <ul style="list-style-type: none"> <li>• "Welds attaching to steel pressure-retaining boundary penetrations, where the nominal diameter of the welds or penetrations does not exceed one inch."</li> </ul> <p>Please note that there is a difference between the leakage test deferral provisions in IWE-5222(c) and that specified in NEI 94-01, Revision 0, paragraph 9.2.4, bullet 3 and that there is now a conflict between these two NRC-endorsed documents, as described in greater detail below.</p> <p>IWE-5222(c) allows a deferral of the leakage test following the installation of welds attaching penetrations NPS 1 or smaller (at any location on the pressure-retaining boundary of containment), provided nondestructive examination is performed in accordance with the approved repair program. NEI 94-01, Revision 0, paragraph 9.2.4, bullet 3, however, restricts the leakage test deferral to welded connections to containment pressure boundary <i>penetrations only</i>.</p> <p>Duke Energy Corporation suggests that 10CFR50.55a should be revised to take exception to IWE-5222(c) to eliminate this discrepancy and provide necessary clarification, as recommended above.</p> |                   |